

Appln. No.: 09/964,852  
Amendment dated June 25, 2007  
Responsive to Office Action of April 23, 2007

### REMARKS/ARGUMENTS

The non-final Office Action of April 23, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 4, 5, 18, 25, 27, 29, and 34 have been amended. Claims 1-40 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,708,961, hereinafter Hylton. Applicants respectfully traverse this rejection for at least the following reasons.

Amended independent claim 1 recites features that were similar to those previously recited in dependent claim 2. More specifically, amended claim 1 recites, among other features, "... including de-multiplexing a data stream of each of the first transmissions. . ." Contrary to the Office Action's assertions at page 4, Hylton fails to teach or suggest the recited features. In fact, Hylton teaches away from the recited features. Notably, Hylton at col. 8, lines 35-45 and Fig. 1 demonstrates a user activating a remote control 85 to select a program; a Digital Entertainment Terminal (DET) 102 receives the program selection from the remote control 85 and ultimately conveys the selection in the form of a message to a shared processing system 10, wherein a controller 19 within the shared processing system 10 recognizes the message as *relating to a channel selection* by a particular set-top terminal 100. Thus, the system described in Hylton merely selects program signals from those available on the network 5 for each of the terminals 100, digitally multiplexes those signals together in a single stream and broadcasts that stream. Col. 4, lines 60-64. The whole point of Hylton is to allocate *a program signal* to a set-top terminal 100. Thus, Hylton teaches away from the feature of de-multiplexing a data stream of each of the first transmissions as recited in claim 1. More specifically, there would be no advantage or benefit gained in Hylton to de-multiplex a program signal only to re-multiplex that same program signal for delivery to set-top terminal 100. Indeed, to do so would add an unnecessary step and complexity to Hylton. Given that Hylton fails

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to teach or suggest all of the features recited in claim 1, claim 1 is allowable for at least these reasons.

Dependent claims 15-17, which each depend from claim 1, are allowable for at least the same reasons as claim 1.

### **Rejections Under 35 U.S.C. § 103**

Claims 2-10, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hylton, in view of U.S. Pat. Publication No. 2002/0188567, hereinafter Candelore. This rejection is traversed.

Notwithstanding whether the combination of Hylton and Candelore is proper, claims 2-10, 13, and 14 are allowable for at least the same reasons as their respective base claim, because Candelore does not cure the aforementioned deficiencies of Hylton. Claims 2-10, 13, and 14 are further allowable in view of the additional features recited therein.

Claims 11, 12, 18, 19, 21, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hylton, in view of U.S. Pat. No. 7,107,605, hereinafter Janik. This rejection is traversed.

Amended independent claim 18 recites features similar to those described above with respect to claim 1. Janik fails to cure the above noted deficiencies of Hylton with respect to those features. Thus, notwithstanding whether the combination of Hylton and Janik is proper, the combination fails to result in the inventive features recited in claim 18. Claim 18 is allowable for at least these reasons.

Dependent claims 11, 12, 19, 21, 27, and 28, which each depend from at least one of claims 1 and 18, are allowable for at least the same reasons as their respective base claims.

Claims 20, 22-26, and 29-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hylton and Janik, and further in view of Candelore. This rejection is traversed.

Amended independent claim 29 recites features similar to those described above with respect to claim 1. As already discussed above, both Candelore and Janik fail to cure the above noted deficiencies of Hylton with respect to the recited features. Thus, notwithstanding whether any combination of Hylton, Janik and Candelore is proper, the

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combination fails to result in the inventive features recited in claim 29. Claim 29 is allowable for at least these reasons.

Amended independent claim 34 recites features similar to those described above with respect to claim 1. As already discussed above, both Candelore and Janik fail to cure the above noted deficiencies of Hylton with respect to the recited features. Thus, notwithstanding whether any combination of Hylton, Janik and Candelore is proper, the combination fails to result in the inventive features recited in claim 34. Claim 34 is allowable for at least these reasons.

Dependent claims 20, 22-26, 30-33, 35-40, which each depend from at least one of claims 18, 29, and 34, are allowable for at least the same reasons as their respective base claims.

### CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: /Ross Dannenberg/  
Ross Dannenberg, Reg. No. 49,024  
1100 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001

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